



**PLANNING COMMISSION MEETING**  
117 South Main Street, Monticello, Utah 84535. Commission Chambers  
January 13, 2022 at 6:00 PM

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**MINUTES**

**GENERAL BUSINESS**

**Welcome / Roll Call**

Planning Commission Chair Trent Schafer called the meeting to order at 6:00 pm.

**PRESENT**

Chairman Trent Schafer  
Commissioner Lloyd Wilson  
Commissioner Cole Cloward  
Commissioner William Johnston  
Commissioner Melvin Nelson  
Commissioner Cody Nielson

**Approval of Minutes**

**1. Approval of Minutes from the December 9, 2021 San Juan County Planning Commission Meeting**

**Time Stamp 1:03 (audio)**

Motion to approve the minutes was made by Commissioner Wilson, Seconded by Commissioner Nielson.

Voting Yea: Chairman Schafer, Commissioner Wilson, Commissioner Cloward, Commissioner Johnston, Commissioner Nelson, Commissioner Nielson

**PUBLIC COMMENT** - *Time reserved for public comment on items or issues not listed on the agenda.*

**Time Stamp 2:34 (audio)**

PC Chair Trent Schafer welcomed the public in attendance to the meeting. Many attended from Elk Meadows. Commissioner Schafer asked those wishing to make public comment to state their name and where they live in the county. He also asked that comments not be repetitive.

PC Commissioner Shrenk Arrived during the Public Comment portion of the meeting

## **The following individuals made comments:**

**David Beiber**, a resident of Elk Meadows, expressed concern about water and the decline of water as a result of drought. He also expressed his opinion that there is not enough water for more development.

**Commission Chair Trent Schafer** explained that we don't have control over water, and we are obligated to approve developments if they meet the county zoning requirements.

**Joe Mellen** a resident of Elk Meadows, expressed concern about Elk Meadows becoming an area of urban sprawl. He also expressed his opinion that the rezone is spot zoning.

**Marka Brenner** a resident of Elk Meadows expressed concern about lack of notification, and what the notice requirements are for subdivisions. She also asked if CC&R's were presented with the subdivision amendment. She also asked who considers water rights, sewer and other infrastructure requirements. She also asked questions about when the public hearing is going to be held.

**Greg Culbreath** a resident of Elk Meadows that has recently moved to the area, expressed the way planning and zoning is handled in Colorado where he moved from.

**Lynn Martin** a resident of Elk Meadows asked pointed questions to each P&Z Commissioners about the way they voted on the rezone request. Planning Commissioners did not engage in a debate about how they voted on an item.

**Katherine Lemus** a resident of Spanish Valley attended the meeting through Google Meet, and expressed questions about why her rezone request was not on the agenda. Planning and Zoning Administrator Scott Burton stated that at the time the agenda was completed, there were still questions as to what was being requested.

**Kevin Walker** a Grand County Commissioner expressed concerns about camping in Millcreek Canyon.

**Carolynn Dailey** a resident of Pack Creek, requested the PC Deny the CUP for camping in Millcreek Canyon. She expressed concern about access, water, septic, and fire.

**PC Commissioner Cody Neilson**, stated that the subdivision application came to Planning and Zoning and met the requirements. He also stated that the PC is obligated to approve these applications if they meet the requirements of zoning. He continued by saying that the PC is not responsible for water rights or septic systems, as long as they meet the requirements, they can move forward.

**Robbie Filcorn**, a resident of San Juan County expressed a desire for the Planning Commissioners to stop the rezone at the Ranches at Elk Meadows.

## **ADMINISTRATIVE ITEMS**

### **2. Consideration and Approval of a Request for Extension, Shannon Brooks, Monticello College**

**Time Stamp 34:29 (audio)**

Shannon Brooks was not online, the item was skipped.

**Time Stamp 1:07:30 (audio)**

PC Chair Trent Schafer returned to this item after Shannon Brooks logged into the meeting.

Shannon Brooks with Monticello College joined through Google Meet and explained his request to extend the requirement for his Lyceum building to be completed until the end of December 2022. Commission Chair Trent Schafer asked for a progress report to be attached with his extension. Commissioner Cody Nielson expressed that an additional extension would not have his support.

Motion to grant the extension was made by Commissioner Cloward, Seconded by Commissioner Nielson.

Voting Yea: Chairman Schafer, Commissioner Wilson, Commissioner Cloward, Commissioner Johnston, Commissioner Nelson, Commissioner Nielson, Commissioner Shrenk

**3. Consideration and Approval of Conditional Use Permit Application, Hal Feinberg, Copa Consulting, LLC**

**Time Stamp 34:56**

Hal Feinberg presented his plan for a luxury hotel resort in Dry Valley. He outlined the plans for the development, and the requirements they plan to meet regarding water, fire protection requirements, septic, building codes, UDOT access, ADA, and dark skies. He stated that the facility will be open 9-1/2 months out of the year, but someone will be staffing the facility year round. Commissioner Cody Nielson asked about the water well on the property and whether the well has been proven. Mr. Feinberg explained that the water right will expire in 12 years, so they will need to prove up the well before the expiration. Commissioners also discussed the closest neighbors, and additional details regarding the property.

PC Chair Trent Schafer asked for public comment on the development and the following individuals made comments:

**Eric and Keshia Joot**, adjoining property owners who run a glamping camp ground across the street, expressed concern about the impact of the resort on dark skies, noise, dust, infrastructure, and water table.

**Tracy Johnson**, a nearby property owner expressed concern about the patrons of the resort trespassing, and also concerns about water.

**Deputy County Attorney Alex Goble** asked how many structures were within the Highway Commercial Zone and how many were in the A-1 zone.

PC Members discussed fire suppression water storage requirements, water demand, and dust control. They also discussed power requirements and what facilities would be required to supply power with solar panels.

**Time Stamp 1:03:02 (audio)**

The following conditions were placed on the approval of the CUP.

- *Developer must return with engineered plans for solar system if he decides to use solar generation to provide power to the site.*
- *Must comply with the public water system requirements for water storage and pressure for fire suppression standards. 3000 gallons of onsite water storage for fire suppression according to the San Juan County Fire Chief.*
- *Must comply with any state or federal fire restrictions*
- *Must comply with all building permit requirements*
- *Must comply with San Juan County Health Department requirements and Utah State water system requirements.*
- *Must comply with San Juan County business license requirements.*
- *Must comply with waste water system requirements.*
- *continue conversations the State Division of Water Rights on the water rights.*
- *Must provide dust suppression on site during operation.*

Motion to approve the conditional user permit was made by Commissioner Nielson, Seconded by Commissioner Wilson.

Voting Yea: Chairman Schafer, Commissioner Wilson, Commissioner Cloward, Commissioner Johnston, Commissioner Nelson, Commissioner Nielson, Commissioner Shrenk

#### **4. Consideration and Approval of Conditional Use Permit Application, Thomas Zimmer, Old Town LLC**

##### **Time Stamp 1:10:45 (audio)**

Thomas Zimmer with Old Town LLC. provided additional information about his plan for a primitive camp site on his property in Millcreek Canyon. They intend to follow leave no trace camping ethics and a max of 100 people split between three camp sites. They plan to haul in all the water and haul out all of their human waste in wag bags or groovers. Camping would be March through May, and some in the fall to provide a primitive back country experience.

A lengthy discussion was had about the intentions of the property owner, and who the people will be coming to camp.

Mr. Zimmer explained his desire to find a more convenient place to camp with their student groups. The camping would not be opened to the general public. He further explained that most of his group sizes are 12-15 people, and they would be following the same leave no trace ethics that they would be required to follow for any Park Service, BLM or Forest Service permit. He also explained that he does not charge the college for use of the property, and the groups clean up after them selves in a leave no trace manner. Thomas explained that if the groups did not take care of the property, they would no longer be able to use it.

PC Commissioner Johnston asked about the downstream impact and if they had been contacted about the potential impact. This resulted in a discussion about the current use of Millcreek and the impact that a few disrespectful people can make.

PC Commissioner Nielson expressed his opinion that this is a commercial venture and needs a permanent facility for waste, and also requested a clarification on the actual number of people that will be using the property.

Mr. Zimmer explained that the San Juan County Health Department is not requiring any permanent waste facilities, and the number of people was set as 100 in the application to be a max number of people, but most groups would be smaller and split between the three camp sites.

PC Commissioner Shrenk expressed her opinion that three permanent waste facilities would be needed. One for each campsite.

PC Commissioner Nielson asked about the access road and what type of vehicle can access the road.

PC Commissioner Wilson expressed a concern about fire access being his biggest concern.

Mr Zimmer explained that the previous owner was planning to build a house, which would be more of a fire risk. His groups are supervised and trained in back country camping in a respectful way that know what they are doing.

Deputy County Attorney Alex Goble asked if there is a fire pit at each campsite with defensible space. Thomas explained that each of the sites has a metal fire ring, and would be willing to clear up to 40 feet of defensible space around each fire pit.

PC Commissioner Nelson asked about the impact of the campground on the creek and the ground water. Mr. Zimmer explained that they are not taking water from the creek, and will be hauling all waste water out.

PC Commissioners discussed lowering the allowed number of people to 90 people and were split as to whether vault toilets would be needed.

### **Time Stamp 1:47:31**

PC Chair Trent Schafer asked for public comment by stating that "we have received dozens of emails today, and have read all the emails." Commissioners Nielson and Cloward also stated that they have read all the emails they had received. Commissioner Schafer read a comment from Marlene Huckabee expressing concern about the campground

The following individuals made comment:

**Andrew Austin:** a resident of Spanish Valley, expressed concerns about it being a commercial enterprise, and also stated that the BLM does not allow camping in the surrounding area, and that this is a sensitive area. He also expressed interest in the actual group size numbers.

**Jeff Madsen:** made a comment about the access road, and whether improvements would be made for accessing the road.

**Ann Austin:** a resident of Spanish Valley thanked the PC for the effort they are making in asking questions of this property owners, and stated that the property owners could do more

research into local agencies and local stake holders to have more knowledge of the concerns of the local area.

**Fey Bird:** Expressed a desire to see a revised conditional use permit submitted because of contradictory numbers presented. She also expressed concern about the access road.

**Dan Kent:** Expressed appreciation for the work of the PC and the effort they are making in considering this CUP. He expressed desire for the property to be in a conservation easement. He also expressed concern about the road and the watershed.

**John Weisheit:** Stated that the property owner should contact the EPA and the Utah Department of Water Quality to investigate what it takes to protect the aquifer, so we can understand how sensitive the aquifer is.

**Time Stamp 2:03:22**

PC Chair Trent Schafer closed the public comment.

PC Commissioners discussed the status of the road as a county D road. Mr. Zimmer stated that the BLM has been contacted about the possibility of building a bridge over the creek.

PC Commissioner Wilson asked whether the property owner could improve the road. After more discussion about the road and possible improvements, additional information was requested about the road, defensible space around the fire pits.

Mr. Zimmer explained that he is not requesting any development, but is being as conservation minded as possible, and that what he is proposing would be much less environmental damaging than building a bathroom facility. He also reiterated that the groups will be led by individuals who have outdoor conservation experience, and the purpose of the trips are for a wilderness type experience and will follow the same rules they do for their BLM, Park Service and Forest Service permits.

PC Commissioners Wilson and Cloward asked to see the Agreement with the school that will use the property. They also wanted more information about the fire risk area and information about the road. They also discussed whether bathroom facilities would be needed. PC Commissioner Cole Cloward stated that people can camp in the back country and there are no requirements for bathroom facilities.

Marley Green: A graduate and instructor of the college planning to use the property commented about the caliber of the outdoor instructors and that they plan to practice a high level of conservation on the property.

Mr. Zimmer further explained that the purpose of his trips is for a wilderness education experience for college students to learn conservation and leave no trace ethics. He also expressed his desire to not build structures and keep the land just as it is.

**Time stamp 2:43:42 (audio)**

Motion to table the CUP was made by Commissioner Cloward, Seconded by Commissioner Wilson.

Voting Yea: Chairman Schafer, Commissioner Wilson, Commissioner Cloward, Commissioner

Johnston, Commissioner Nelson, Commissioner Nielson, Commissioner Shrenk

**5. Set 2022 San Juan County Planning Commission Meeting Schedule**

**Time Stamp 2:44:01 (audio)**

PC Commissioners discussed the 2022 meeting schedule and opted to keep the meeting at 6:00 pm.

Motion to approve the 2022 meeting dates as presented was made by Commissioner Nielson, Seconded by Commissioner Nelson.

Voting Yea: Chairman Schafer, Commissioner Wilson, Commissioner Cloward, Commissioner Johnston, Commissioner Nelson, Commissioner Nielson, Commissioner Shrenk

**BUILDING PERMIT(S) REVIEW**

**6. Building Permit List**

PC reviewed the building permit list.

**ADJOURNMENT**

Motion to adjourn was made by Commissioner Nielson, Seconded by Commissioner Wilson.

Voting Yea: Chairman Schafer, Commissioner Wilson, Commissioner Cloward, Commissioner Johnston, Commissioner Nelson, Commissioner Nielson, Commissioner Shrenk

\*In compliance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for this meeting should contact the San Juan County Clerk's Office: 117 South Main, Monticello or telephone 435-587-3223, giving reasonable notice\*\*